

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CLAIRE PAYTON and
JONATHAN KATZ,

Plaintiffs,

v.

LIANA ARIAS DE VELASCO GUALLART
and CHRISTOPHER TSCHAPPATT,

Defendants.

Case No. 3:22-cv-00042-NKM

JOINT RULE 26(f) REPORT

Under Federal Rule of Civil Procedure 26(f), Plaintiffs Claire Payton and Jonathan Katz (“Plaintiffs”) and Defendants Liana Arias de Velasco Guallart and Christopher Tschappatt (“Defendants”) (collectively, the “Parties”) respectfully submit the following Joint 26(f) Report.

I. RULE 26(f) CONFERENCE

Counsel for the Parties held a Rule 26(f) conference by video-teleconference on February 1, 2023. The conference was attended by: (1) Joseph Wardenski, Wardenski P.C., and V. Kathleen Dougherty, McGuireWoods LLP, for Plaintiffs, and (2) Alichia Grubb, Gentry Locke, for Defendants.

II. DISCOVERY PLAN

The Parties agree to modify the deadlines contained in the Court’s February 6, 2023, Pretrial Order, ECF No. 23, as set forth in the table below. In addition, the Parties agree that a mediation before the Magistrate Judge prior to the dispositive motion deadline may be helpful.

At this time, Defendant Tschappatt’s Motion to Dismiss, ECF No. 19, remains pending. The Parties agree that discovery may proceed prior to the Court’s decision on that motion.

	Pretrial Order Deadline	Agreed Modified Deadline
Rule 26(f) Conference	2/20/2023	Held on 2/1/2023
Rule 26(a) Initial Disclosures	30 days from pretrial order (3/8/2023)	2/28/2023
Plaintiffs' Expert Disclosures	75 days from pretrial order (4/24/2023)	n/a
Defendants' Expert Disclosures	90 days from pretrial order (5/8/2023)	n/a
Discovery cutoff date	90 days before trial (6/22/2023)	5/8/2023
Deadline to file dispositive motions	75 days before trial (7/7/2023)	5/23/2023
Opposition brief deadline	14 days after opening brief	6/13/2023
Reply brief deadline	7 days after opposition briefs	6/20/2023
Dispositive motion hearing deadline	45 days before trial (i.e., on or before 8/4/2023)	7/20/2023
Trial Date	9/20/2023 – 9/21/2023	No change

A. Initial Disclosures

The Parties will exchange initial disclosures under Rule 26(a)(1) on or before February 28, 2023.

B. Discovery

1. Subjects on Which Discovery May Be Needed

a. Fact Discovery

The Parties anticipate that fact discovery on the following topics may be needed:

- All facts related to Plaintiffs' lease and tenancy at 503 Commerce Street in Charlottesville, Virginia (the "Property"), including the circumstances surrounding the nonrenewal of Plaintiffs' lease and termination of their tenancy, and all related communications;
- Defendants' knowledge of federal, state, and local fair housing laws;
- Defendants' policies and practices related to renting apartments to families with children;

- Defendants' income, assets, and any insurance coverage that may be available to satisfy a judgment in this case;
- Plaintiffs' damages; and
- All other facts related to Plaintiffs' claims and Defendants' defenses.

b. Expert Discovery

The Parties agree that expert discovery will not be necessary in this case.

2. Discovery Period

The Parties agree to complete discovery by May 8, 2023. The Parties do not anticipate making expert witness disclosures. The Parties agree that discovery does not need to be conducted in phases or be limited to or focused on particular issues.

C. Electronically Stored Information

The Parties agree to preserve, disclose, and produce all potentially relevant electronically stored information, including text messages, emails, word processing documents, spreadsheets, Portable Document Format (PDF) files, digital advertisements, and other electronically-stored information and documents. The Parties agree that ESI may be produced in text-searchable, Bates-stamped PDFs, but further agree to produce native format files upon request by the other party.

D. Claims of Privilege or Protection as Trial-Preparation Materials

The Parties do not anticipate any issues about claims of privilege or of protection as trial-preparation materials, and agree that any issues regarding inadvertent disclosure of privileged documents or attorney work product shall be governed by Federal Rule of Evidence 502.

E. Limitations on Discovery

The Parties do not request any changes to the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules of this Court.

F. Other Orders

At this time, the Parties do not request that the Court issue any other orders under Rule 26(c) or under Rule 16(b) and (c).

DATED: February 15, 2023

Respectfully submitted,

FOR PLAINTIFFS CLAIRE PAYTON AND
JONATHAN KATZ:

/s/ Joseph J. Wardenski

Joseph J. Wardenski
Admitted *Pro Hac Vice*
WARDENSKI P.C.
195 Plymouth Street, Suite 519
Brooklyn, NY 11201-1123
Telephone: (347) 913-3311
Facsimile: (347) 467-7237
joe@wardenskilaw.com

V. Kathleen Dougherty
Virginia State Bar Number: 77294
MCGUIREWOODS LLP
101 West Main Street, Suite 9000
Norfolk, VA 23510-1655
Telephone: (757) 640-3840
Facsimile: (757) 640-3940
vkdougherty@mcguirewoods.com

Counsel for Plaintiffs

FOR DEFENDANTS LIANA ARIAS DE
VELASCO GUALLART AND
CHRISTOPHER TSCHAPPATT:

/s/ Alisha M. Grubb

Kevin W. Holt (VSB No. 42866)
Alisha M. Grubb (VSB No. 90761)
GENTRY LOCKE
10 Franklin Road S.E., Suite 900
Roanoke, Virginia 24011
(540) 983-9300
Fax: (540) 983-9400
holt@gentrylocke.com
grubb@gentrylocke.com

Counsel for the Defendants

CERTIFICATE OF SERVICE

I certify that on this 15th day of February, 2023, I filed the foregoing Joint Rule 26(f) Report and served it on all counsel of record using the Court's CM/ECF system.

/s/ Joseph J. Wardenski
Joseph J. Wardenski